United Nations A/HRC/38/L.1

General Assembly

Distr.: Limited
29 June 2018

Original: English

Human Rights Council
Thirty-eighth session
18 June–6 July 2018
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Albania,* Andorra,* Argentina,* Australia, Austria,* Belgium, Bosnia and Herzegovina,* Bulgaria,* Canada,* Chile, Colombia,* Cyprus,* Czechia,* Denmark,* Ecuador, Estonia,* Finland,* France,* Georgia, Germany, Greece,* Honduras,* Hungary, Iceland,* Ireland,* Italy,* Japan, Latvia,* Liechtenstein,* Lithuania,* Luxembourg,* Mexico, Montenegro,* Netherlands,* New Zealand,* Norway,* Peru, Portugal,* Republic of Moldova,* Romania,* San Marino,* Slovenia, Spain, Sweden,* Switzerland, Thailand,* the former Yugoslav Republic of Macedonia,* Turkey,* Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay:* draft resolution

38/... Elimination of all forms of discrimination against women and girls

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and other applicable international human rights instruments, including the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Convention on the Elimination of All Forms of Racial Discrimination, and recalling relevant conventions adopted by the International Labour Organization on the issue of discrimination against women,

Recalling that gender equality and the condemnation of discrimination and violence against them have been recognized in the Vienna Declaration and Programme of Action, the Programme of Action of the International Conference on Population and Development, the Beijing Declaration and Platform for Action and the outcome documents of their review conferences, the Durban Declaration and Programme of Action and the outcome document of the Durban Review Conference,

Recalling also all relevant resolutions and agreed conclusions adopted by the Human Rights Council, the General Assembly, the Security Council, the Commission on the Status of Women and other United Nations agencies and bodies that consider the issue of discrimination against women and girls,

* State not a member of the Human Rights Council.

Recalling the inclusion of both gender equality and the empowerment of all women and girls as a stand-alone goal and its mainstreaming into all goals and targets of the 2030 Agenda for Sustainable Development, and the adoption of the Addis Ababa Action Agenda of the Third International Conference on Financing for Development,

Underscoring the fact that international human rights law prohibits discrimination, inter alia on the basis of sex and gender, and that national legislation should adhere to each State's international obligations,

Recalling that all human rights are universal, indivisible, interdependent and interrelated, that gender equality must be promoted in a comprehensive and systematic manner, and that persistent discrimination within families and societies has a debilitating impact on women's and girls' equal rights in all aspects of life, and affirming that no State can be indifferent to the violations of human rights anywhere in the world,

Reaffirming women's and girls' economic and social rights, and emphasizing the significant role that women play in economic development and in the eradication of poverty, and that sustainable development will only be achievable with women's economic empowerment and independence, and equal economic rights of women and men, and of girls and boys where applicable, to economic and productive resources, including ownership and control of land, natural and other productive resources, property, inheritance, and financial services, including microfinance, equal opportunities for women for full and productive employment and decent work, and equal pay for equal work or work of equal value, legal advice and support, vocational training, information and communications technology and markets, and by removing barriers to women's full, equal and meaningful participation in local, national and international economies,

Emphasizing the importance of women's and girls' access to justice for achieving the 2030 Agenda and of fostering a responsive justice system that advances and ensures the application of women's and girls' equal rights and opportunities and their full, equal and meaningful participation,

Recognizing the contribution of families to sustainable development, and acknowledging the benefit of implementing family-oriented policies aimed at, inter alia, eliminating poverty, protecting them from violence, exclusion and involuntary separation, achieving gender equality and the empowerment of all women and girls, the full participation of women in society, a work-family balance and the self-sufficiency of the family unit, and that the equal sharing of family responsibilities creates an enabling environment for the empowerment of all women and girls,

Deeply concerned that discrimination against women and girls persists in all cultures, with different levels of intensity and differing impact,[1] and by the fact that many women and girls everywhere, particularly those with disabilities and those who are marginalized or in a vulnerable situation, face multiple and intersecting forms of discrimination and are still subject to discriminatory laws, policies and harmful practices, inter alia, female genital mutilation and child, early and forced marriage, and that de jure and de facto equality has not been achieved,

Regretting that specious justifications based on State sovereignty, tradition, cultural or religious interpretations contrary to the international obligation to eliminate all forms of discrimination against women and girls are used to keep women and girls from taking an equal place in society and families or from exercising full control over their bodies and their personhood,

Expressing concern at persistent gender gaps and the increase in gender segregation by sector in the labour market, created by discrimination based on patriarchal social norms, showing that women have substantially fewer opportunities than men to participate meaningfully in the economy and in decision-making processes at all levels and areas, to have control over assets, including land, are more likely to be unemployed or underemployed, to be paid less for equal work or work of equal value, to be engaged in

[1] See A/HRC/38/46.

precarious work with limited legal and social protections, and that women and girls undertake a disproportionate share of unpaid care and domestic work,

Stressing the need to promote the right of women to work and their full, equal and meaningful participation in the economy and in decision-making processes at all levels and areas, ensuring access to economic resources, including land and natural resources, and equal pay for equal work or work of equal value, decent paid care and domestic work by providing social protection and safe work conditions, and to develop and promote policies that facilitate the reconciliation and equal sharing of work and family responsibilities for both women and men,

Recognizing that the right to work and just and favourable working conditions, and the right to non-discrimination and gender equality, combined with the right to sexual and reproductive health, also requires States to ensure employment with maternity protection and parental leave for workers, including workers in vulnerable situations, as well as protection from sexual harassment in the workplace and the prohibition of discrimination based on pregnancy, childbirth or parenthood,

Expressing profound concern at the backlash against the progress made by States, international and regional organizations, and civil society, including women's and community-based organizations, feminist groups, women human rights defenders and girls' and youth-led organizations to respect, protect and fulfil all human rights, and recognizing that these retrogressions can be linked to authoritarianism in political governance, economic crisis and inequality, retrogressive lobbies and political or religious interpretations that oppose the struggle for women's and girls' equal rights,

Recognizing the differing needs of girls and women at different ages and stages of their lives, and the various patterns of discrimination that affect their day-to-day reality,

Recognizing also that discrimination against women and girls is inherently linked to deep-rooted gender stereotypes, that discriminatory attitudes, behaviours, norms, perceptions, customs and harmful practices, such as female genital mutilation and child, early and forced marriage, have direct negative implications for the status and treatment of women and girls and that gender-biased environments promote impunity and impede the implementation of legislative and normative frameworks that guarantee gender equality and prohibit discrimination against women and girls,

Strongly condemning discrimination and gender-based violence against women and girls in all its forms, online and offline, in public and private spaces, including harassment, sexual and online harassment, domestic violence, including intimate partner violence, ex-partner violence, stalking and so-called "honour-based" violence, and recognizing that they constitute violations or abuses of women's and girls' human rights and are a manifestation of gender inequality and a major impediment to the achievement of women's economic empowerment, independence and social and economic development, imposing short- and long-term costs on society and individuals,

Recognizing the importance of relevant standards of the International Labour Organization relating to the realization of women's right to work and rights at work that are critical for women's economic empowerment, and welcoming the work undertaken by the Organization towards the development of a convention and a recommendation on violence and harassment in the workplace,

Reaffirming that the full enjoyment of all human rights by women and girls includes their right to have control over and to decide freely and responsibly on matters relating to their sexuality, including sexual and reproductive health, free of coercion, discrimination and violence, and that equal relationships in matters of sexual relations and reproduction, including full respect for the dignity, integrity and bodily autonomy of the person, require mutual respect, consent and shared responsibility for sexual behaviour and its consequences, in accordance with international human rights law,

Recognizing the major contributions made by civil society, including women's and community-based organizations, feminist groups, women human rights defenders and girls' and youth-led organizations, to promoting the economic empowerment of women and girls and the fulfilment of their right to decent work and education, and recognizing also the

importance of having an open, inclusive and transparent engagement with civil society in the implementation of measures promoting substantive equality in the empowerment of women and girls,

1. *Calls upon* States:

(a) To ratify or accede to the Convention on the Elimination of All Forms of Discrimination against Women, and to consider ratifying or acceding to the Optional Protocol to the Convention as a matter of particular priority;

(b) To limit the extent of any reservations, and to formulate them as precisely and narrowly as possible to ensure that no reservations are incompatible with the object and purpose of the Convention;

(c) To implement the Convention through appropriate legislation, regulation, policies and programmes;

(d) To cooperate fully with the Committee on the Elimination of Discrimination against Women and other human rights treaty bodies, and to implement its recommendations, as appropriate;

2. *Takes note with appreciation* of the work undertaken by the Working Group on the issue of discrimination against women in law and in practice, including its report,[2] and calls upon States to take steps to promote reforms as appropriate and to implement legal frameworks and policies directed to achieving gender equality and the prevention and elimination of all forms of discrimination against women and girls, taking into consideration the good practices identified therein and the recommendations of the Working Group, and also those made by the Special Rapporteur on violence against women, its causes and consequences, other States in the context of the universal periodic review and other relevant human rights mechanisms, with a view to ensuring the realization of human rights of all women and girls;

3. *Calls upon* States:

(a) To repeal all laws that exclusively or disproportionately criminalize the actions or behaviour of women and girls, and laws and policies that discriminate against them, based on any grounds, including any custom, tradition or cultural or religious interpretation contrary to the international obligation to eliminate all forms of discrimination against women and girls;

(b) To ensure that their international obligations on gender equality and non-discrimination are incorporated at all levels of legal frameworks, including in relation to women's and girls' access to justice, redress and effective remedies;

(c) To consider reviewing all proposed and existing legislation in accordance with international human rights obligations and a gender-responsive perspective, involving, when necessary, independent experts, national human rights institutions, women human rights defenders, women's and girls' community-based organizations, feminist groups and youth-led organizations, and other relevant stakeholders;

(d) To work towards establishing or strengthening inclusive and gender-responsive social protection systems, including floors, to ensure full access to nationally appropriate social protection for all without discrimination of any kind, and to take measures to progressively achieve higher levels of protection, including by facilitating the transition from informal to formal work;

(e) To promote legislation, regulation, policies and programmes that facilitate all women's economic empowerment, ensure equal pay for equal work or work of equal value and prohibit all forms of discrimination, including in the workplace and in education, such as discrimination against women and girls based on pregnancy, maternity, marital status, age, race, sex or gender, as well as violence and harassment against them, including sexual harassment and harassment in digital and online spaces;

[2] A/HRC/38/46.

4. *Urges* States:

(a) To ensure women's and girls' equal enjoyment of economic, social, cultural, civil and political rights through the prohibition of and appropriate action to eliminate all forms of discrimination by all actors, State and non-State alike;

(b) To remove barriers, whether political, legal, cultural, economic, institutional or religious, preventing women's full, equal and effective participation in all fields and in leadership at all levels of decision-making in public and private sectors;

(c) To modify social and cultural patterns of conduct with a view to preventing and eliminating in the public and private spheres patriarchal and gender stereotypes, negative social norms, attitudes and behaviours, and unequal power relations that view women and girls as subordinate to men and boys and that underlie and perpetuate discrimination and violence against women and girls;

(d) To support gender equality and women's and girls' rights, including within families, through long-term awareness-raising initiatives, especially education and public awareness-raising, including through the media and online, the incorporation of curricula on all women's rights into teacher training courses, including the prevention of sexual and gender-based violence, and ensuring universal access to quality and comprehensive sexuality education;

(e) To provide training on a rights-based gender analysis for duty holders in all spheres and sectors and meaningful collaboration with civil society, including women's and community-based organizations, feminist groups, women human rights defenders and girls' and youth-led organizations;

(f) To support tripartite collaboration among Governments, employers and women workers and their organizations, including trade unions or other representative organizations, to prevent and remove barriers to gender equality and the empowerment of women in the workplace;

5. *Calls upon* States to implement policies and actions directed:

(a) To eradicate poverty and to combat the feminization of poverty, to ensure the full and equal participation of women in the design and implementation of and follow-up to poverty eradication and development policies and programmes, to promote employment and decent work, and to promote the participation of women at all levels and sectors of the economy;

(b) To recognize, reduce and redistribute women's and girls' disproportionate share of unpaid care and domestic work, including caring for children, family members with disabilities and older family members, by promoting policies and initiatives that support the reconciliation of work and family life and the equal sharing of responsibilities between women and men, to take steps to implement family-oriented policies to achieve a family-work balance and to facilitate the transition of women informal workers, including those engaged in informal paid care and domestic work, to the formal economy, and to extend rights to non-discrimination, paid parental leave and childcare provisions;

(c) To enact legislation and undertake reforms as appropriate to realize the equal rights of women and men, and, where applicable, girls and boys, to natural, economic and productive resources, including access to, use of, and ownership of and control over land, property and inheritance rights, including diverse types of land tenure, appropriate new technology and financial services, such as credit, banking and finance, including but not limited to microfinance, as well as equal access to justice and legal assistance in this regard, and ensure women's legal capacity and equal rights with men's to conclude contracts, in particular of groups of women who are subject to multiple and intersecting forms of discrimination;

(d) To promote substantive equality by adopting the measures necessary to prevent, diminish and eliminate patriarchal and gender stereotypes that cause or perpetuate substantive or de facto discrimination, including, where appropriate, the adoption of temporary special measures, including for gender-specific needs and equal enjoyment benefits;

(e) To encourage and facilitate women's entrepreneurship, including by improving access to financing and investment opportunities, tools of trade, business development and training, through, inter alia, the mobilization of adequate financial resources, capacity-building and the transfer of technology on mutually agreed terms, in order to increase the share of trade and procurement from women's enterprises, including micro-, small and medium-sized enterprises, cooperatives and self-help groups in both the public and private sectors, and to promote girls' and young women's access to training for business development;

(f) To prevent and eliminate all forms of violence and sexual harassment against women and girls in all settings, including public and private spaces, means of public transport, schools and workplaces, particularly workplaces that are largely male-dominated or where stereotyped masculinity prevails, by, inter alia, implementing effective violence-prevention and response activities, including by facilitating effective action after sexual harassment has been committed by holding perpetrators to account and providing victims with access to remedies and protection, engaging men and boys, educating children from a young age about the importance of treating all people with dignity and respect, and by designing educational programmes and training materials that support gender equality, human rights, respectful relationships and non-violent behaviour;

(g) To ensure access to justice and accountability mechanisms for the effective implementation and enforcement of laws aimed at preventing and eliminating all forms of discrimination and violence against women and girls, in all contexts, including by informing women and girls about their rights under relevant laws and by improving legal infrastructure and removing all barriers to access to legal counselling, assistance and remedies;

(h) To ensure the equal enjoyment by women and girls of quality education, including at all levels human rights education and training, in a safe environment, leading to effective learning outcomes, thereby facilitating their access to information and communications technology and science, and technology, engineering and mathematics education in order to promote their empowerment and to allow them to develop the skills, information and knowledge necessary to support their labour market entry;

6. *Encourages* States to prioritize the allocation of funds, both internationally and domestically, to support women's and girls' full and equal enjoyment of all human rights, including by mainstreaming gender equality in the process of conceiving, planning, approving, executing, analysing and ordering budgets, to ensure that their legal and policy commitments bear results, and to implement active and sustained measures to promote good practices in the eradication of discrimination and the promotion of women's and girls' empowerment, including measures focused on attitudinal and behavioural change that cultivate an environment in which good practices in achieving gender equality in law and practice can thrive;

7. *Urges* States to promote, protect and fulfil sexual and reproductive health and rights, in accordance with the Beijing Platform for Action and the Programme of Action of the International Conference on Population and Development and the outcome documents of their review conferences, and to respect, protect and fulfil the right of every individual to have full control over and decide freely and responsibly on all matters relating to their sexuality and sexual and reproductive health, free from discrimination, coercion and violence, including through the removal of legal barriers and the development and enforcement of policies, good practices and legal frameworks that respect the right to bodily autonomy and guarantee universal access to sexual and reproductive health, services, evidence-based information and education, including for family planning, safe and effective methods of modern contraception, emergency contraception, prevention programmes for adolescent pregnancy, maternal health care, such as skilled birth assistance and emergency obstetric care, safe abortion in accordance with international human rights law and where not against national law, the prevention and treatment of reproductive tract infections, sexually transmitted infections, HIV and reproductive cancers and the integration of sexual and reproductive health into national health strategies and programmes;

8. *Also urges* States to develop, support and protect an enabling environment for the full participation of women's civil society organizations and women human rights defenders in the creation, design and implementation of all legislation and policies relevant to substantive gender equality, as well as when adopting and implementing good practices conducive for the sustainable application of equality and empowerment measures for women and girls, and also to consider the application of the good practices framework for the creation and maintenance of a safe and enabling environment for civil society developed in the report of the United Nations High Commissioner for Human Rights,[3] with a gender-responsive perspective that takes into account the unique position and challenges faced by women human rights defenders;

9. *Calls upon* all States to continue to develop and enhance standards and methodologies at the national and international levels to improve the collection, analysis and dissemination of gender statistics and sex-, disability- and age-disaggregated data by strengthening national statistical capacity, including by enhancing the mobilization, from all sources, of financial and technical assistance for enabling developing countries to systematically design, collect and ensure access to high-quality, reliable and timely data disaggregated by sex, age, disability, income and other characteristics relevant in national contexts;

10. *Also calls upon* all States to cooperate with and assist the Working Group in its task, to supply all necessary available information requested by it and to give serious consideration to responding favourably to its requests to visit their country to enable it to fulfil its mandate effectively;

11. *Invites* relevant United Nations agencies, funds and programmes, in particular the United Nations Entity for Gender Equality and the Empowerment of Women, the treaty bodies and other special procedures, within their respective mandates, and civil society actors, including non-governmental organizations, as well as the private sector, to cooperate fully with the Working Group in the fulfilment of its mandate, and requests the Working Group to continue to engage with the Commission on the Status of Women, including by participating in its work and formally reporting;

12. *Decides* to continue its consideration of this issue in conformity with its annual programme of work.

---

[3] A/HRC/32/20.